

§ 55.10

ADMINISTRATION

§ 55.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act and this part. The Administrator is authorized to waive for a limited period any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

[42 FR 2969, Jan. 14, 1977. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 55.11 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, national origin, age or disability.

[40 FR 20055, May 8, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981; 60 FR 49168, Sept. 21, 1995]

GENERAL

§ 55.20 Kinds of services available.

The regulations in this part provide for the following kinds of services:

(a) Inspection of the processing of products containing eggs in official plants.

(b) Sampling of products.

(c) Quantity and condition inspection of products.

[36 FR 11795, June 19, 1971. Redesignated at 42 FR 32514, June 27, 1977 and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 58 FR 42413, Aug. 9, 1993]

§ 55.22 Where service is offered.

Any product may be graded or inspected wherever a grader or inspector is available and the facilities and the

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conditions are satisfactory for the conduct of the service.

§ 55.24 Basis of service.

(a) Products shall be graded or inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All service shall be subject to supervision at all times by the applicable State supervisor, egg products supervisor, Regional Director, and National Supervisor. Whenever the supervisor of a grader or inspector has evidence that such grader or inspector incorrectly graded or inspected a product, such supervisor shall take such action as is necessary to correct the grading or inspection and to cause any improper official identification which appears on the product or containers thereof to be corrected prior to shipment of the product from the place of the initial grading or inspection.

(b) Whenever service is performed on a sample basis, such sample shall be drawn in accordance with the instructions as issued by the Administrator.

§ 55.25 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR part 55 pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511.

(b) *Display.*

7 CFR section where identified and described	Current OMB control number
§ 55.10	0581–0146
§ 55.24(a)	0581–0146
§ 55.30(a)	0581–0146
§ 55.40	0581–0146
§ 55.90(b)	0581–0146
§ 55.95(b)	0581–0146
§ 55.96	0581–0146
§ 55.120	0581–0146
§ 55.130(a)	0581–0146
§ 55.130(b)	0581–0146
§ 55.130(c)	0581–0146
§ 55.140	0581–0146
§ 55.150	0581–0146
§ 55.160	0581–0146
§ 55.200(a)	0581–0146
§ 55.240	0581–0146
§ 55.300	0581–0146
§ 55.340(c)	0581–0146
§ 55.370(a)	0581–0146
§ 55.380	0581–0146

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7 CFR section where identified and described	Current OMB control number
§ 55.390	0581-0146
§ 55.400	0581-0146
§ 55.420	0581-0146
§ 55.560(a)(1)	0581-0146
§ 55.560(b)(1)	0581-0146
§ 55.560(b)(3)(ii)	0581-0146
§ 55.600	0581-0146

[49 FR 2880, Jan. 24, 1984, as amended at 55 FR 23421, June 8, 1990]

PERFORMANCE OF SERVICES

§ 55.30 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee, the employee of a local jurisdiction, or the employee of a cooperating agency possessing proper qualifications as determined by an examination for competency and who is to perform grading service under this part, may be licensed by the Secretary as a grader or inspector.

(b) All licenses issued by the Secretary are to be countersigned by the officer-in-charge of the service of the Agricultural Marketing Service or by any other official of AMS designated by such officer.

(c) No person may be licensed to grade or inspect any product in which he is financially interested.

[36 FR 11795, June 19, 1971, as amended at 37 FR 12918, June 30, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

§ 55.40 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be fur-

ther suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

§ 55.50 Cancellation of license.

Upon termination of his services as a grader or inspector, each licensee shall surrender his license immediately for cancellation.

§ 55.60 Surrender of license.

Each license which is canceled, suspended, or revoked shall immediately be surrendered by the licensee to the office of the service in the region in which he is located.

§ 55.70 Identification.

All graders, inspectors, and supervisors shall have in their possession at all times while on duty and present upon request the means of identification furnished by the Department to such person.

§ 55.80 Political activity.

All graders and inspectors are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate is prohibited, except as authorized by law or regulation of the Department. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

[36 FR 11795, June 19, 1971, as amended at 42 FR 2969, Jan. 14, 1977. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]